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BILLINGS DIV.  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

<b>JARVIS EDMOND CARTER,</b>	)	<b>CV-05-90-BLG-RFC</b>
	)	
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	<b>ORDER</b>
<b>RANDY GOWEN,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	
<b>JARVIS EDMOND CARTER</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CV-05-134-BLG-RFC</b>
<b>vs.</b>	)	
	)	
<b>MONTANA DEPARTMENT OF</b>	)	<b>ORDER</b>
<b>CORRECTIONS and ATTORNEY</b>	)	
<b>GENERAL OF THE STATE OF MONTANA,</b>	)	
	)	
<b>Respondents.</b>	)	
_____	)	

On July 27, 2007, United States Magistrate Carolyn Ostby entered her Findings and Recommendations on these two cases. Magistrate Judge Ostby recommends that in Cause No.

CV-05-134, Carter's motion for judgment should be granted and the Petition should be denied on the merits, a certificate of appealability should be denied, and the appeal should be processed immediately if Carter files a notice of appeal. Magistrate Judge Ostby also recommends that in Cause No. CV-05-90, Carter's Complaint should be dismissed for failure to state a claim on which relief may be granted, and pursuant to Fed.R.App.P. 24(a)(4)(B), this Court should certify that any appeal from its disposition would not be taken in good faith.

Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, Plaintiff filed objections on August 13, 2007. Plaintiff's objections are not well taken.

After a de novo review, the Court determines the Findings and Recommendation of Magistrate Judge Ostby are well grounded in law and fact and **HEREBY ORDERS** they be adopted in their entirety.

After reviewing the record of both Cause No. CV-05-134 and CV-05-90, and Carter's voluminous submissions to the Court, it is clear that Carter received all the process that he claims was due to him.

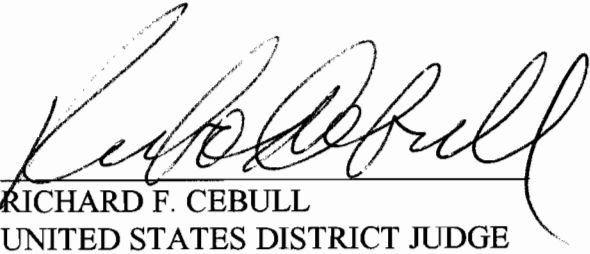
Accordingly, **IT IS HEREBY ORDERED** as follows:

1. As to Cause No. CV-05-134, Carter's motion for judgment [*doc. #43*] is **GRANTED** and the Petition [*doc. #1*] is **DENIED** on the merits. A certificate of appealability is **DENIED**. The appeal should be processed immediately if Carter files a notice of appeal.
2. As to Cause No. CV-05-90, Carter's Complaint [*doc. #1*] is **DISMISSED** for failure to state a claim on which relief may be granted. Pursuant to Fed.R.App.P.

24(a)(4)(B), this Court certifies that any appeal from its disposition is not taken in good faith.

The Clerk of Court shall notify the parties of the making of this Order and close these cases accordingly.

DATED this 16 day of August, 2007.

  
RICHARD F. CEBULL  
UNITED STATES DISTRICT JUDGE